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December 5, 2014

**Via ECF and First Class Mail**

The Honorable Louis L. Stanton  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 12/8/14

Re: Ronard Lora and Hugo Rivera v. J.V.  
Car Wash, Ltd. etc.  
Index No. 11 CIV 9010

Dear District Court Judge Stanton:

We are Special Litigation Counsel to the Chapter 11 Bankruptcy Trustees for the four Car Wash Defendants (J.V. Car Wash, Ltd., Harlem Hand Carwash Corp., Webster Hand Car Wash Corp. and Bayway Hand Car Wash Corp.) and individual Defendant Jose Vasquez ("Debtors") in the above referenced matter. We write to request that the Court schedule a settlement conference in the above matter at which all parties are required to be present. As the Court may be aware, the Bankruptcy Trustees have been in place for only a few months and have been working through a myriad of issues concerning the Debtors, including attempting to resolve this matter. In furtherance thereof, the parties have been engaging in settlement negotiations for the past several months. The parties have exchanged information, had multiple discussions and met for a full day in an attempt to resolve Plaintiffs' claims. Further, Defendant Vasquez and the corporate Carwash Defendants served significant offers of judgment on each Plaintiff, which offers were accepted by two Plaintiffs, and rejected by the others. We believe that at this juncture, given an impending trial, a settlement conference with the Court with all parties present (including each Plaintiff, their counsel, Defendants and the Chapter 11 Trustees and counsel) would aid in resolving this matter. The Trustees believe that with the Court's intervention, a resolution could be reached as the Trustees feel the difference in the parties' positions can be bridged and the issue of attorneys' fees (which has been a sticking point throughout settlement negotiations) resolved. We request that the conference be held before Your Honor, and, if that is not possible, that the matter be referred to a Magistrate Judge for settlement discussions.

At this time, the parties are required to submit their Joint Pre-Trial Order, trial brief, voir dire and jury charges by December 17, 2014. The Court has scheduled a final pre-trial conference for December 19, 2014. Given the Trustees' and Defendants' request for court intervention in settlement discussions, we respectfully request that the December 19<sup>th</sup> conference

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United States District Court  
December 4, 2014  
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be converted into a settlement conference to be held on December 22, 2014 commencing at 11 a.m. or after (if available to the Court) with all interested parties present, and that the December 17<sup>th</sup> due date for pre-trial submissions be extended until January 9, 2014 (or at a reasonable date after a settlement conference is scheduled). This is the third request for an extension of the pre-trial submissions. However, this request is made in good faith given the Trustees desire, and significant attempts, to resolve this matter and the fact that the Trustee for the Carwash Debtors is in the process of closing Bayway Car Wash and converting that matter to a Chapter 7 Liquidation, an action that may have substantial impact on this litigation. Plaintiffs have consented to this request.

Respectfully submitted,

JACKSON LEWIS P.C.

s/Wendy J. Mellk, Esq.  
Wendy J. Mellk

cc: Steven Arensen, Esq.  
Laura Longobardi, Esq.  
Daniel Stolz, Esq. (counsel to Chapter 11 Trustee for the Car Wash Defendants)  
Stacey Meisel, Esq. (counsel to the Chapter 11 Trustee for Jose Vasquez)

MEMO ENDORSED

**MEMORANDUM ENDORSEMENT AND ORDER**

Ronald Lora, et al., v. J.V. Car Wash, Ltd., et al.,  
11 Civ. 9010 (LLS) (AJP)

For the reasons set forth in the attached December 5, 2014, letter from special litigation counsel in the related bankruptcy proceedings, this action is respectfully referred to Hon. Andrew Peck for the purpose of settlement proceedings, either as outlined in the letter or as directed by Magistrate Judge Peck.

The pre-trial submissions and proceedings in this case commencing on December 17, 2014, are adjourned until thirty days after the conclusion of proceedings before Judge Peck, at which time counsel are directed to so inform me and re-schedule them.

So ordered.

Dated: New York, New York  
December 8, 2014

  
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Louis L. Stanton  
U.S.D.J.